

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 7-10, 13-15, 18-20, and 22-29 are pending in this application. Claims 11 and 16 are cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1-6, 12, 17 and 21 were previously cancelled. Claims 18 – 20 and 29 are amended. Claims 18, 19, and 29 are independent.

Reconsideration of this application, as amended, the arguments below, is respectfully requested.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by canceling claims 11 and 16, thereby reducing the number of pending claims. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Claim for Priority

The Examiner is requested to acknowledge Applicants' claim for foreign priority under 35 U.S.C. §119 and receipt of the certified copy of the priority document filed with the application on September 8, 2000.

Rejections under 35 U.S.C. §103(a)

Claims 14, 19, 20, 22, 23, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakaya et al. (U.S. Patent No. 5,684,884) in view Park et al. (U.S. Patent No. 5,684,884) and Szilagyi et al. (U.S. Patent No. 6,396,197); and

Claims 7-11, 13, 15, 16, 18, 24-25, 27, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakaya et al. (U.S. Patent No. 5,684,884) in view of Davis et al. (U. S. Patent 6,345,102) and Szilagyi et al. (U.S. Patent No. 6,396,197).

These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's amendment, each of independent claims 18, 19, and 29 is amended as shown below to recite a combination of elements not disclosed or suggested by the references cited by the Examiner.

Amendments to Independent Claims 18 and 29

In particular, each of independent claims 18 and 29 is amended herein to recite a combination of elements directed to a piezoelectric speaker, including *inter alia*

a fastener secured to said laminating film at a position overlapping edges of the piezoelectric film but not overlapping the opening, the fastener for detachably fastening a back side of said piezoelectric speaker to an exposed inner surface of a shell of a helmet, and a front side of the piezoelectric speaker being exposed.

Support for the novel features set forth in claims 18 and 29 can be found in the specification, for example on page 5 lines 3-11. See FIGS. 1 and 5.

On page 4 of the Office Action, the Examiner concedes that neither Nakaya et al. nor Davis et al. teaches or suggests a detachable fastener fastening the piezoelectric speaker to a inner surface of a helmet, and then asserts that Szilagyi et al. teach these features.

A careful review of Szilagyi et al., however, indicates that this document merely discloses two fasteners 60 in conjunction with connecting plates 58 enclosed inside foam layer 62 of the helmet 56. Thus, a front side of the piezoelectric speaker is not exposed. See column 5, lines 27-38. See also FIGS. 6 and 7.

Thus, the Applicants respectfully submit that Szilagyi et al. fail to make up for the deficiencies of Nakaya et al. and Davis et al.

In view of the above amendments and remarks, the Applicants respectfully submit the Examiner has failed to make a *prima facie* case of obviousness in the rejection of independent claims 18 and 29.

Thus, it is respectfully submitted that the combination of elements set forth in each of independent claims 18 and 29, as amended herein, is not disclosed or made obvious by the prior art of record, including Nakaya et al., Davis et al., and Szilagyi et al.

In view of the foregoing, it is respectfully submitted that independent claim 18 is in condition for allowance.

Applicants respectfully request withdrawal of the rejection of claims 18 and 29 as being unpatentable over the combination of Nakaya et al., Davis et al. and Szilagyi et al.

Amendments to Independent Claim 19

Independent claim 19 is amended herein to recite a combination of elements directed to a speaker system, including *inter alia*

an ear side frame and a shell side frame piece which clamp together over back and front surfaces of the peripheral portion of the piezoelectric film, thereby holding the piezoelectric film speaker between the frame pieces, one of the frame pieces having multiple claws for clamping into recesses on an outer surface of the other of the frame pieces.

Support for the novel features claimed in independent claim 19 can be found in the specification, for example, on page 6, lines 21-26. See also FIG. 7.

The Examiner cites on Park et al. to teach a two-piece frame 122, 122' for securely holding a flag 110.

A careful review of Park et al., however, indicates that this document merely discloses a staff 120 containing a rod cut into two halves which are adhesively or mechanically secured together. Nowhere in Park et al. is there any suggestion of one of the frames pieces having multiple claws for clamping into recesses on an outer surface of the other of the frame pieces, as set forth in independent claim 19 as amended herein.

Thus, the Park et al. document cannot make up for the deficiencies of Nakaya et al. and Szilagyi et al. to reject independent claim 19.

In view of the foregoing, it is respectfully submitted that independent claim 19 is in condition for allowance.

Applicants respectfully request withdrawal of the rejection of claim 19 as being unpatentable over the combination of Nakaya et al., Park et al., and Szilagyi et al.

In summary, independent claims 18, 19, and 29 are in condition for allowance.

Dependent claim 20 is amended merely to place it in better form.

Since the dependent claims depend directly or indirectly from allowable independent claims 18, 19, and 29 they are also allowable due to their dependence on allowable independent claims, or due to the additional features provided by these claims.

Thus, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider the outstanding objection and rejection and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

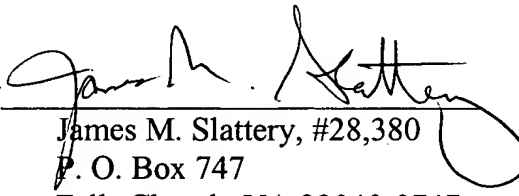
However, if there are any outstanding issues, the Examiner is invited to telephone Carl T. Thomsen, Reg. No. 50,786, at 703-205-8000 in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,

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